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92-77



Federal Communications Commission
Washington, D.C. 20554

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December 13, 1994

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DEC 14 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Barbara A. Mikulski
U.S. Senate
709 Hart Senate Office Building
Washington, D.C. 20510
Attention: Mary Henrichs-Richards

Dear Senator Mikulski:

Thank you for contacting us on behalf of several concerned constituents regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice sought comment on this analysis and asked interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invited parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly sought comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice sought additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also sought comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.


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The Honorable Barbara A. Mikulski
Page 2

Reply comments were due September 14, 1994. Presently, the Commission is evaluating the comments submitted and considering the implementation of BPP along with other options. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Thank you for your forwarding your constituent's correspondence and for your interest in this proceeding.

Sincerely yours,



John E. Logan
Deputy Director
Office of Legislative and Inter-governmental Affairs

Enclosures

BARBARA A. MIKULSKI
MARYLAND

COMMITTEES

APPROPRIATIONS

SELECT COMMITTEE ON ETHICS

LABOR AND HUMAN RESOURCES

United States Senate

WASHINGTON, DC 20510-2003

November 23, 1994

SUITE 709
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2003
(202) 224-4654
TTY: (202) 224-5223

OLA
92-117
6004

Ms. Lauren Belzin
Acting Director
Office of Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, NW
Washington, DC 20554

Dear Mr. Belzin:

I am writing on behalf of several concerned constituents who are wardens at Maryland detention centers.

These constituents tell me that the Billed Party Preference regulation currently being considered by the FCC would have a detrimental impact on the operation of prisons and detention centers throughout Maryland, as outlined in the enclosed letters to me. I believe that this matter deserves prompt consideration and a fresh look to ensure due process is achieved on behalf of the FCC, as well as for my constituents.

Please send your response to me as soon as possible. If you have any questions, please contact Mary Hinrichs-Richards in my office.

Thank you for your attention to this matter.

Sincerely,



Barbara A. Mikulski
United States Senator

Enclosure

BAM:mhr/ljm

Crime

WICOMICO COUNTY
Maryland
Department of Corrections

October 20, 1994

The Honorable Barbara A. Mikulski
United States Senate
709 Hart Senate Office Building
Washington, DC 21510-2003

Dear Senator Mikulski:

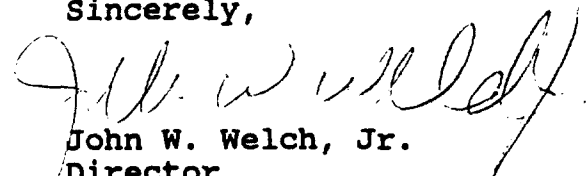
The attached correspondence was recently sent by this office to the Honorable Reed E. Hundt, Chairman of the Federal Communications Commission (FCC) regarding an issue now being considered by the Commission known as Billed Party Preference (BPP).

Given the potential impact of the Commission's ruling in this matter on the operation of prisons and detention centers throughout Maryland and the United States, I ask for your support in persuading Commission members to exempt and exclude these unique environments from any such regulation.

As the Warden of the Wicomico County Department of Corrections, I must tell you that our experience in having an on site, fully automated inmate phone system has greatly enhanced our ability to manage the inmate population while minimizing the inherent and historical misuse of telephones by inmates. If BPP becomes reality, we will unfortunately lose this effective and efficient system.

I appreciate your time, consideration and support in this matter.

Sincerely,


John W. Welch, Jr.
Director
Wicomico County, Maryland

October 20, 1994

The Honorable Barbara A. Mikulski
United States Senate
709 Hart Senate Office Building
Washington, DC 21510-2003

Dear Senator Mikulski:

The attached correspondence was recently sent by this office to the Honorable Reed E. Hundt, Chairman of the Federal Communications Commission (FCC) regarding an issue now being considered by the Commission known as Billed Party Preference (BPP).

Given the potential impact of the Commission's ruling in this matter on the operation of prisons and detention centers throughout Maryland and the United States, I ask for your support in persuading Commission members to exempt and exclude these unique environments from any such regulation.

As the Warden of the Somerset County Detention Center, I must tell you that our experience in having an on site, fully automated inmate phone system has greatly enhanced our ability to manage the inmate population while minimizing the inherent and historical misuse of telephones by inmates. If BPP becomes reality, we will unfortunately lose this effective and efficient system.

I appreciate your time, consideration and support in this matter.

Sincerely,


Earl Charnick
Warden
Somerset County, Maryland

October 20, 1994

The Honorable Barbara A. Mikulski
United States Senate
709 Hart Senate Office Building
Washington, DC 20510-2003

Dear Senator Mikulski:


The attached correspondence was recently sent by this office to the Honorable Reed E. Hundt, Chairman of the Federal Communications Commission (FCC) regarding an issue now being considered by the Commission known as Billed Party Preference (BPP).

Given the potential impact of the Commission's ruling in this matter on the operation of prisons and detention centers throughout Maryland and the United States, I ask for your support in persuading Commission members to exempt and exclude these unique environments from any such regulation.

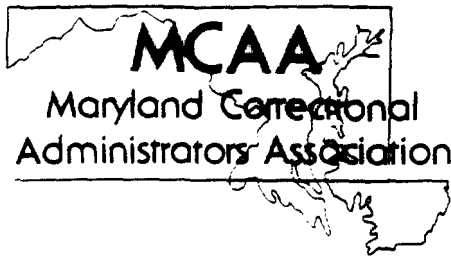
As the Warden of the Dorchester County Detention Center, I must tell you that our experience in having an on site, fully automated inmate phone system has greatly enhanced our ability to manage the inmate population while minimizing the inherent and historical misuse of telephones by inmates. If BPP becomes reality, we will unfortunately lose this effective and efficient system.

I appreciate your time, consideration and support in this matter.

Sincerely,



Steven Williams
Warden
Dorchester County, Maryland



October 20, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M. Street, N.W.
Washington, DC 20554

Dear Chairman Hundt:

As the Warden of Wicomico County, Maryland, I am writing to you and the other members of the Federal Communications Commission in hopes of persuading the Commission to exempt and exclude prisons and detention centers from inclusion in the proposed regulation known as Billed Party Preference (BPP) (CC Docket No. 92-77).

Both the courts and the FCC have long recognized the unique environment that correctional institutions represent particularly in regard to controlling inmate access to, and use of, telephone services. To this end, I am seeking no more consideration than has historically been allowed for the following reasons.

First, BPP will undermine the ability of the Wicomico County Department of Corrections to control inmate calling. Telephone fraud, abuse and harassment are unfortunately all too common in the correctional setting. I feel very strongly that we must be able to block certain numbers and alleviate third party calling which we can now do, however if BPP includes prisons and detention centers this essential inmate management tool is lost.

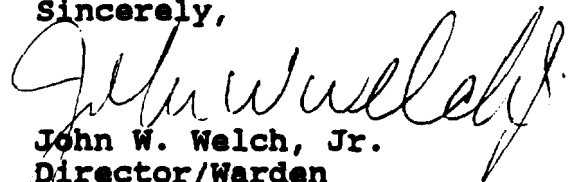
Second, BPP will alleviate certain revenues paid to Wicomico County which now benefit the inmate population. In spite of what proponents of BPP have said, I know the types of essential programs and services these monies have funded and losing them will have a detrimental affect on this detention center and these people. In a relatively small county such as this, these funds can mean the difference between occupying inmates in a productive manner or requiring them to languish in their cells for lack of anything better to do. This is true, particularly in these lean economic times.

Finally, if one of the Federal Communications Commission's purposes is to ensure reasonable phone rates are charged for these calls, I can assure you, the intent of this office is not to profit or in any way finance extravagant purchases, equipment or programs from such funds. Indeed, it would be unwise to charge an inordinate amount for this service as the ability of inmates to communicate is not only constitutionally guaranteed, but generally promotes good morale among the inmates which in turn fosters a less hostile environment.

I realize there has been voluminous comment and debate regarding the issue of Billed Party Preference. As a practitioner within the Corrections profession and more importantly as the individual responsible for the daily operation of an Adult Detention Center, I trust that you will find these comments beneficial in your deliberations.

The motivation for expressing these views to the Federal Communications Commission is simple, our current system works; Billed Party Preference will not, at least not in the correctional setting.

Sincerely,



John W. Welch, Jr.
Director/Warden
Wicomico County, Maryland